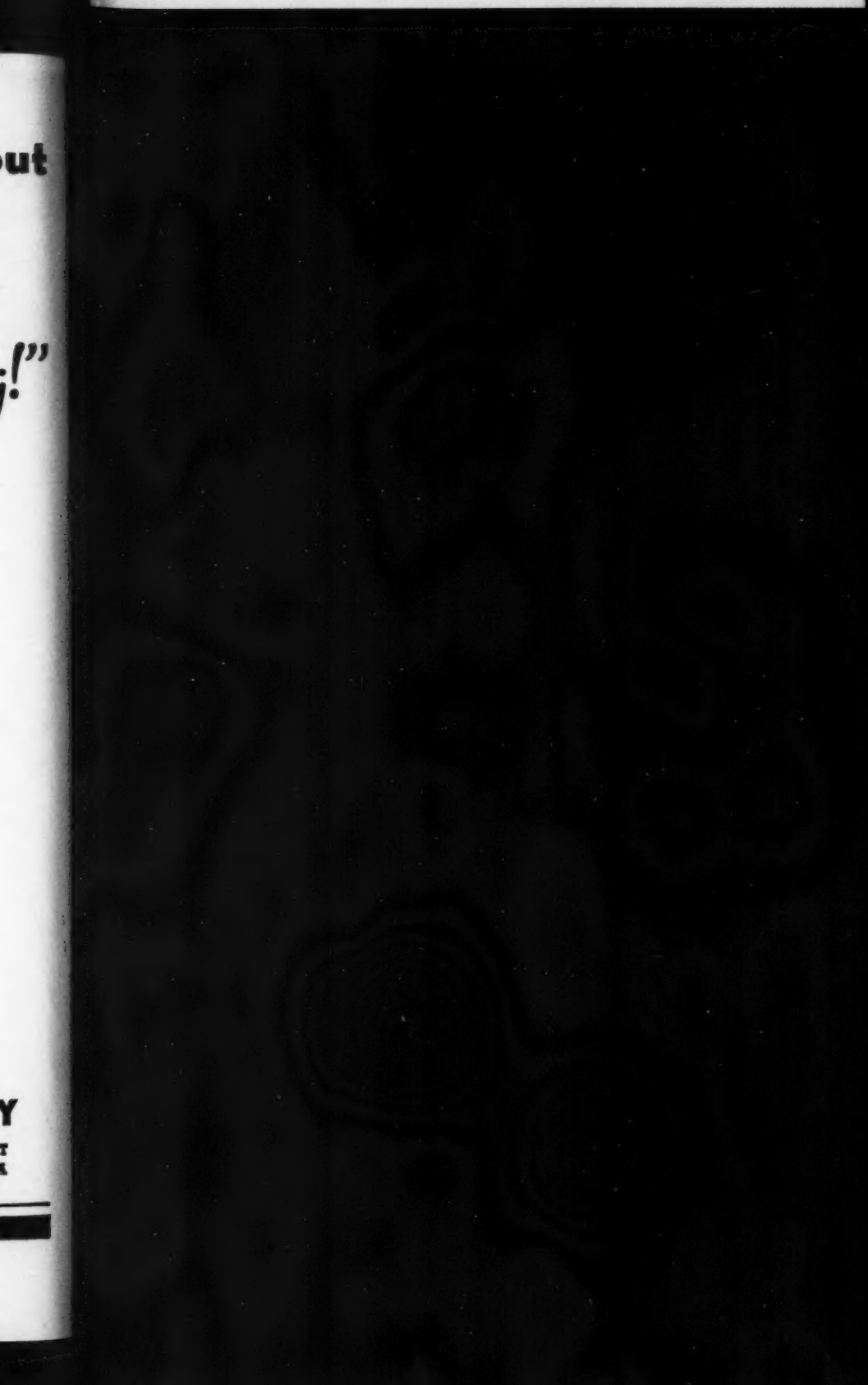
BAR BULLETIN

PUBLISHED BY THE LOS ANGELES BAR ASSOCIATION

The Los Angeles Bar Association Answers Organized Newspaper Attack Upon the Bar Because It Opposes the Taking of Pictures of Court Proceedings . . . . . .

Vol. 13 *JUNE, 1938* *No. 10*



BAR BULLETIN

Official Monthly Publication of Los Angeles Bar Association. Entered as second-class matter May 5, 1938, at the Postoffice at Los Angeles, California, under Act of March 3, 1879.
Subscription Price $1.00 a Year; 10c a Copy

VOL. 13 | JUNE, 1938 | NO. 10

THE LOS ANGELES BAR ASSOCIATION'S ANSWER TO NEWSPAPER ATTACKS

To the Members of the Los Angeles Bar Association; the Lawyers of Los Angeles County, and the Bar at Large:

A CONCERTED ATTACK is being made upon the Los Angeles Bar Association by certain Los Angeles newspapers because the Association opposes the taking of pictures in court rooms.

As President of the Los Angeles Bar Association, I think it is my duty to inform the members, and other lawyers, of the action taken by the Association on this matter. The officers and trustees do not desire or intend to carry on any controversy with the newspapers. We know that such a course would not be fruitful.

This Association does not oppose "free speech" or a "free press." It never has done so, nor do I believe that it will ever even consider doing so. I know of no individual member of the Bar who is, to the slightest degree, in favor of such a policy. On the contrary, lawyers individually and collectively have always fought for these rights, and opposed every attempt to restrict or restrain them.

The amazing and unwarranted newspaper attack upon this Association has not the slightest basis of justification. I think this will be demonstrated by the recital of the circumstances that preceded the newspaper attack. With this statement, the Association will rest its case, knowing that it cannot have the "last word."

The American Bar Association, in September, 1937, adopted a canon of Judicial Ethics reading as follows:

> "Proceedings in court should be conducted with fitting dignity and decorum. The taking of photographs in the court room, during sessions of the court or recesses between sessions, and the broadcasting of court proceedings are calculated to detract from the essential dignity of the proceedings, degrade the court and create misconception with respect thereto in the mind of the public and should not be permitted."

The State Bar of California, at its annual convention held at Del Monte in September, 1937, adopted a resolution of similar import. The Los Angeles Bar Association followed the lead of the American Bar Association and the State Bar of California, and adopted a resolution to the same effect. Copies of these resolutions were placed in the hands of all the judges of the Superior Court of Los Angeles county.

A large majority of the judges of the Superior Court of this county have conformed to this canon of Judicial Ethics, the resolutions of the State Bar and of this Association. Moreover, I believe that such judges were glad to do so. A few of the judges of the Superior Court of this county, however, have not seen fit to adopt and conform to this canon, and the resolutions referred to.

Some of the violations of this canon of Judicial Ethics and disregard for the resolutions of the State Bar and the local bar association, have been such, in the opinion of the bar generally, as to tend to bring our courts into disrepute. This Association has been advised, in a report forwarded to it from the State Bar of California that, in a recent murder trial in Los Angeles county there was never a day during the progress of the trial when there were less than six cameras, set up on tripods in the court room, "shooting" witnesses, principals, juries or attorneys.

The picture magazine "Life," a publication of wide national circulation, characterized this particular trial, in substance, as being the greatest juridical hippodrome since the Hauptmann trial. I refer particularly to this case, but there have been several similar incidents which are well known to the bar and the bench.

Several months ago the Los Angeles Bar Association, after careful consideration, appointed a special committee to meet with the editors and publishers of the metropolitan newspapers of this county for the purpose of discussing this situation. As President of the Los Angeles Bar Association, I attended that meeting. In spite of our earnest efforts to approach the matter intelligently and constructively, in order that a harmonious solution might be arrived at, that conference was wholly without results. In fact, the Bar Association committee was told, literally, and not figuratively, by one of the newspaper representatives, that we could "go to hell."

The argument of the newspaper representatives present at that meeting seemed to be based upon the premise that the courts belonged to the people and that the people are entitled to see and know what goes on in the courts. Obviously and naturally, the bar has never contended otherwise. Courtrooms are and should be always open to any interested member of the public. But, contend the newspapers, the public is entitled to see and know what goes on in courtrooms without the necessity of being present therein. We advised them that we had never attempted to curtail any fair report of court proceedings, but that we did object to the destruction of the dignity of the court by the taking of photographs. We further pointed out that the contention which they made might be carried to extremes and constitutes a good argument in favor of the installation of radios in our courtrooms and the broadcasting of court proceedings in sensational trials.

The newspaper representatives agreed with the bar committee that this would utterly destroy the dignity of judicial proceedings and that such a practice would be unthinkable.

Following this conference with the newspaper publishers' representatives, the Los Angeles Bar Association proposed to the Judicial Council of the State of California the adoption of a rule in harmony with the canon of ethics quoted above. Our action in doing so seems to be the basis of the attack upon the Bar Association that has brought a flood of criticism, misrepresentations and baseless charges not only upon the organization, but upon all lawyers who are members of the Association.

In order that the bar in general may be fully informed of the character of the charges and representations made as to the position

of the Association, there will appear in the official publication of this Association a reproduction of some of the editorials appearing in the principal newspapers of Los Angeles, simultaneously with the publication of this statement. This will enable the readers to judge the unjust and unfair statements of the press as to the position of this Association in particular, and of the bar in general.

It is charged that the Los Angeles Bar Association "wants to restrict the publicity given trials."

The Los Angeles Bar Association never has, nor do I believe it ever will, attempt any such thing. The absurdity of the statement is obvious. The right of every newspaper to fairly report court proceedings is clear and we would be the first to assert it.

It is charged that we want to "prohibit taking of pictures in court houses or courtrooms, and of persons taking part in litigation, whether principals, judges or juries."

The canon of Judicial Ethics set forth in this statement, and which has been adopted by the State Bar of California and the Los Angeles Bar Association, *contains only the prohibition against "the taking of photographs in the courtroom, during sessions of the court, or recesses between sessions, . . ."*

It is charged that the resolution of the Los Angeles Bar Association to be presented to the California Judicial Council, is a direct attack upon a free press in California; that it is an attack upon the "freedom of California."

That statement, and the deduction drawn from the resolution, are wholly unfounded. By no process of reasoning can such a statement be supported or such a deduction be drawn.

It is charged that this is "not the first time that the Los Angeles Bar Association has tried to muzzle the press."

The Los Angeles Bar Association has never suggested, advocated or supported such a policy; nor is any member of it so stupid as to attempt or advocate the muzzling of the press.

One editorial in question asks, "Why does the Bar Association want to keep people in ignorance of what transpires in our courtrooms?"

The Los Angeles Bar Association does not want, nor has it attempted to keep people in ignorance of what transpires in courtrooms. To do so would be to question the ordinary intelligence of lawyers.

It is charged that because the people have no means of knowing all about their judges, "beyond what the bar association wants them to know," the bar association will be in "excellent position to help elect those judges who can be guided and controlled by the bar association through its indorsement or non-indorsement."

The Bar Association seeks, and has always sought, the election of only the best qualified candidates for the bench. It has not, nor has it ever had, any other purpose in conducting a plebiscite on the candidates for the courts, in order that the lawyers practicing before such courts might have an opportunity to express their opinions upon the qualifications of the candidates. *Moreover, such a statement by a reputable newspaper questions the integrity of the judges themselves.* It is absurd to assume that the Bar Association can "guide and control" any judge upon the bench. There are two sides to every lawsuit. Only one can win. There are lawyers on both sides of every litigated case. The absurdity of the charge, therefore, is obvious.

It is charged that the Bar Association wants to create "star chamber sessions."

This too, is untrue, unfounded and unfair. It is in absolute contradiction of every historical fact pertaining to the bar. Lawyers are not so foolish, even if they had the remotest desire, to suggest or to support such a policy.

It is charged that should the Judicial Council adopt a rule in conformity with the canon of Judicial Ethics referred to and the resolutions of the State Bar and the Los Angeles Bar Association, that "in effect, trials would be conducted in secrecy."

The newspaper making that statement knows that this is not, and cannot be true. It knows that the Bar Association has no such purpose in view; that the law of this State and of the Nation would prohibit such a thing.

Perhaps the matter of taking pictures in courtrooms during the progress of trials has been forced to the attention of the bar largely

by reason of the fact that a great many persons appear as litigants in our courts whose names are universally known, and concerning whom news, especially of a sensational character, commands wide reader interest,—thus a desire of the press to obtain photographs, with the use of the most modern photographic equipment. These pictures, to command a wider attention must, it would appear, be obtained at the time the witnesses are testifying, or in other positions when they least expect to be photographed. In other words, they must be caught "unawares" and pictured in such a manner as to attract attention of the public, and often to embarrass the subject of the photograph.

The taking of pictures during court sessions, we believe, does detract from the essential dignity of the proceedings; it does tend to degrade the court and create misconceptions with respect thereto in the mind of the public, and interferes with the orderly administration of justice.

The Bar Association is interested only in seeing that proceedings in court are conducted with dignity and decorum. It is not against "free speech" or a "free press."

I believe that the members of this Association and the members of the Bar of this State as a whole, understand that it is not against these things but is in favor of them. It is the principle expressed in the Judicial Canon set forth herein for which this Association stands.

FRANK B. BELCHER,
President of Los Angeles Bar Association.

BARRISTERS COMPLETE TENTH YEAR

IN the Spring of 1928, the fancy of the then President, Hubert T. Morrow, turned to the young men of the Los Angeles Bar Association, and put into operation an idea he had long cherished. This was a plan under which the young lawyers were given an opportunity to become acquainted with each other, with the older members of the Bar, and with local Judges, and at the same time were made available for active participation in the work of the Bar Association.

Mr. Morrow requested a newly admitted lawyer to gather a nucleus of young men at the Bar to form a young lawyers' committee of the Los Angeles Bar Association.

The original group called together to form this twig of the parent tree included representatives from each of six or eight law schools. At a preliminary organization meeting 145 young lawyers were present. Mr. Morrow outlined his plan, and Judge Clair S. Tappaan, a much loved and highly respected teacher, lawyer and Judge, addressed the tyros.

The organization got under way under the title "Junior Committee of the Los Angeles Bar Association," its first officers being Chuck Beardsley, chairman, Leo Falder and Thomas H. McGovern, vice-chairmen, and Bruce Wallace, secretary. At first it included men admitted by examination within three years. This "age limit" was gradually extended, first to five years, and then to seven years. Most observers are of the opinion that the main reason for the extensions was that the original group hated to be dropped out of the junior division, and so legislated as to keep themselves "members of the gang" as long as possible.

Another change was made early in the history of the organization, and it became known as the Junior Barristers of the Los Angeles Bar Association." Soon after the formation of this group under Mr. Morrow's sponsorship in Los Angeles, similar organizations sprang up in various parts of the country, so that now there are junior divisions of the State Bar of California and of the American Bar Association, and the movement is well recognized in legal circles throughout the country.

At the Annual Frolic of the Junior Barristers, held at the Brentwood Country Club, on Saturday evening, June 4, a reunion of all members of the group since its inception was held and expression was given of the appreciation of the younger lawyers for the friendship and guidance they had received from Mr. Morrow over the past ten years.

The activities of the Junior Barristers have been many. Their infiltration into the committee work of the Bar Association has been widespread. The benefits of this organization which was conceived by Hubert T. Morrow and built up under his guidance and direction have been legion.

At this Tenth Anniversary of the founding of the group, every indication points to a continued growth and success of the Junior Barrister idea and a continuation of its service, both to the young lawyers who are its members, and to the Bar Association of which it is an integral part.

DANGERS IN ATTEMPTING TO CREATE JOINT TENANCIES BY 'DEEDING DIRECT'

By Albert M. Cross, of the Los Angeles Bar*

IN CALIFORNIA it has been the rule for many years that a joint tenancy can be created only in the manner prescribed in Section 683 of the Civil Code.

This section has been amended twice, with a view to permitting *certain classes* of property owners to convey their property in joint tenancy directly to themselves, or to themselves and others, thus avoiding, in certain situations, the old procedure under which the owner or owners were required first to convey the property to a third person, and then such third person to convey the property to the proposed joint tenants. The first amendment was enacted in 1929 and repealed in 1931. The portion of the second amendment affecting real property, effective on and since September 15, 1935, reads as follows:

> *"A joint interest is one owned by two or more persons in equal shares, by a title created by a single will or transfer, when expressly declared in the will or transfer to be a joint tenancy, or by transfer from a sole owner to himself and others, or from tenants in common to themselves, or to themselves and others, or from a husband and wife when holding title as community property or otherwise to themselves or to themselves and others when expressly declared in the transfer to be a joint tenancy, or when granted or devised to executors or trustees as joint tenants."*

A conclusion is unwarranted that under this statute, any owner or owners can convey directly to themselves as joint tenants without any restrictions. Deeds are being recorded in which attempts to create such joint tenancies are unsuccessful. The particular grantors who are made eligible in such deeds are (1) a "sole owner", who would be, either a single person owning the property absolutely, or a married person owning the property absolutely as his or her separate property, having acquired the same before marriage, by gift or inheritance, or by deed from the other spouse, making it such owner's separate property; (2) tenants in common; (3) a husband and wife when holding title as community property or otherwise.

CAUTION NECESSARY

Lawyers only should prepare this class of deeds, and they will do well to have before them, and to follow carefully, the above quoted amendment of Sec. 683, C. C. A layman, in preparing such a deed and not heeding the limitations of this statute, may defeat the very joint tenancy he is seeking to create. A few illustrations will show the care necessary in preparing such deeds.

1. If a married man holds property under a deed to himself alone, the record not otherwise showing it to be his separate property, he is not a "sole" owner, since his title is presumptively community property, and his wife holds a community interest. He and his wife can convey in joint tenancy to themselves, or to themselves and others under the clause "from a husband and wife when holding title as *community property* or otherwise"; but he and his wife could not convey in joint tenancy to the husband and others, *not including*

*Mr. Cross is Chief Council for National Title Co., of Los Angeles.

his wife, since such deed would not come under the clause authorizing transfer from a "sole" owner to "himself and others."

2. When the property is owned by two or more tenants in common, a deed by *all* of them to a *part* of them, or to a part of them and others, cannot be a valid joint tenancy deed, since the statute only authorizes such deed from tenants in common to "*themselves* or to *themselves* and others."

3. Two joint tenants, *not* husband and wife, cannot convey to themselves and others as joint tenants, since under the statute joint tenants are not named as a class who can thus convey to themselves and others, except that where husband and wife are joint tenants, they can convey to themselves and others as joint tenants, under the clause, "husband and wife, when holding title as community property *or otherwise.*"

WHERE TENANTS IN COMMON

4. If property is owned of record by tenants in common, one of whom is a married man holding his share presumptively as community property, his wife must join in the joint tenancy deed as grantor and his wife must be one of the grantees as joint tenants, or the joint tenancy will not be valid, since all persons having an interest in the tenancy in common must be both grantors and grantees in order that the deed be from "themselves to themselves, or from themselves to themselves and others."

5. If a married woman holds title under deed to herself alone, the property is *presumptively only* her separate property. If the fact is otherwise shown of record that it is her separate property, she alone as "sole" owner, could convey to herself and others without her husband being joined as grantor and without his being a grantee as joint tenant; but if her title is in fact community property she cannot alone convey to herself and others under the "sole" ownership clause; but she and her husband could execute the deed to herself and husband, or to themselves and others, under the clause permitting a husband and wife, owning community property, to convey to "themselves or to themselves and others." If either a married woman's individual ownership, or her share as tenant in common, is in fact community property, her husband should join as grantor and should be one of the joint tenancy grantees, in order to make the joint tenancy valid.

IN CONCLUSION

The above is not a complete statement of situations arising under this statute, but illustrates the problems which arise. In all situations where the validity of such a deed may be doubtful, or is not clearly good, the safe course is not to attempt to create the joint tenancy by direct deed from the owners to themselves or themselves and others, but to have recourse to the old procedure under which the owners and their spouses convey to a third party, and the third party conveys to the proposed joint tenants.

Deeds under this statute should show the marital status of all parties to the deed, since the validity of the joint tenancy may depend upon such status. If the deed attempts, but fails, to create a valid joint tenancy, the parties to the deed, if otherwise validly executed, become tenants in common under Sec. 686, Civil Code, in which event the right of survivorship, incident to a joint tenancy, is lost.

NON-PARTISAN JUDGES

I HAVE read with great interest your editorial on "Party-bossed Judges" in the April issue of BAR BULLETIN. It seems to me that the action of the County Central Committee of "one of the major political parties," is more in the nature of a rebuke to the present appointing power practice of this state than a design to depart from the idea of the non-partisan election of judges. It is my conviction that had the Governors of California in any appreciable degree shown an inclination to fairly distribute these appointments among the different party groups, all of which undoubtedly had membership both qualified and worthy of consideration when such appointments were made, there would have been no occasion for this action of the County Central Committee. I am glad that by such action the County Central Committee has so forcibly brought this question out into the open and to the attention of THE BULLETIN. I predict that the effect will be wholesome and will lead to a remedy for this unhappy situation. Perhaps now we may hope for non-partisan appointments, as well as non-partisan elections of judges. In principle I think the non-partisan idea of selection of judges is basically sound but it should be carried out in practice, not at election time alone, but in the interim when vacancies are to be filled by appointment.

JOHN MELLEN.

Los Angeles Times

THURSDAY MORNING, JUNE 9, 1938.

Penalizing the Public

LOS ANGELES EVENING HERALD Express

The Evening Herald and Express Grows Just Like Los Angeles

LXVIII FIVE CENTS WEDNESDAY, JUNE 8, 1938

Los Angeles Examiner

LOS ANGELES, WEDNESDAY, JUNE 8, 1938

Courts Must Not Be Star Chambers

Shall Bar Assn. Make Calif. Courts Like Nazi Tribunals?

EVENING NEWS

Bar Association seeks to Nazify the courts

ORGANIZED EDITORIAL ATTACK UPON LOS ANGELES BAR ASSOCIATION

Below is reproduced one of the editorials shown in the opposite page.

(From *Los Angeles Examiner*, June 8, 1938.)

COURTS MUST NOT BE STAR CHAMBERS

FROM time immemorial, free and democratic peoples have cherished the right to know how justice is administered by their courts.

In America particularly, any case that involves the life, liberty or property of any man, is tried in public. No one has ever questioned the right of the people to see and hear what goes on before the bar of justice.

This is one of the most important safeguards of our freedom.

It is impossible, however, to conduct trials so that every one can witness them. That is why newspapers report trials. That is why extended, detailed accounts are published, why much space is given to pictures of judges, juries and principals.

Newspapers then become the eyes and ears of the people, enabling all men to follow the course of justice as if personally observed.

THIS is a vital public service, impartially and competently performed.

But the Los Angeles Bar Association does not seem to be in agreement with this. It wants to restrict the publicity given trials. It wants to prohibit taking of pictures in court houses or court-rooms, and of persons taking part in litigation, whether principals, judges or juries.

That is the gist of a resolution presented by the Bar Association before the California Judicial Council, which regulates judicial procedure in the state. The Council will meet in San Francisco on June 21 to consider the resolution.

The resolution, of course, is a direct attack upon a free press in California. But more than that it is an attack on the freedom of California. For everyone knows that when the press loses its freedom, the people also lose their freedom.

THIS is not the first time that the Los Angeles Bar Association has tried to muzzle the press. A similar resolution was defeated recently when presented before the Los Angeles County judges who immediately saw its dangers and voted it down.

Why does the Bar Association want to keep people in ignorance of what transpires in our court-rooms?

Why does it want to dictate what shall be published about trials?

The answer is clear to any careful observer:

Because if the people have no means of knowing all about their judges, beyond what the Bar Association allows them to know, then the Bar Association will be in excellent position to help elect those judges who can be guided and controlled by the Bar Association through its indorsement or nonindorsement.

In other words, the Bar Association wants to create star chamber sessions. Only a handful of citizens who might take the time and trouble would be able to attend trials. Of these only a few could presumably realize or understand

what went on. And these few would have no means of passing on their information.

IN EFFECT, trials would be conducted in secrecy. That means that the first step would have been taken to Nazify our courts. That appears to be the ultimate goal of the Bar Association.

First, they would prohibit pictures. Then they would proceed possibly to prohibit publication of testimony and proper comment, legitimate conclusions and analyses.

The Judicial Council is faced by no great problem in this resolution. Its clear duty is to squelch permanently this and any other similar suggestions, with promptness and indignation.

Information and knowledge of court procedures are inalienable rights of free Americans. Only by competent and complete reports and illustrations can they be made available to the people.

Curtailment or prohibition of court news and pictures is dangerous and dictatorial, undemocratic and suppressive, leading to unchecked corruption.

The resolution should be rejected with the censure it properly deserves.

IS THE BAR "VANISHING?"

By Ewell D. Moore, of the Los Angeles Bar

IS THE BAR, in order to win popular support, making a pretense that its chief concern is to protect the public?

Is it "vanishing" because it "opposes progress," and combats the practice of law by collection agencies and corporations?

Writing in one of the newest and most sensational of the picture-type publications, Mr. Roger Sherman Hoar argues that those things are happening.

Incidentally, in the same number of the publication in mind, there is a choice example of pornographic literature entitled "Los Angeles Sporting Girl," in which the author of that article frankly discusses her profession and its many advantages over the prosaic, back-swaying career of a department store clerk.

Mr. Roger Sherman Hoar obviously has practiced law. That is one reason for calling attention to what he has to say about "The Vanishing Bar." He writes interestingly, but not always convincingly. One wonders if he still is engaged in practice, or if he has quit the struggle to induce lawyers to "modernize their methods" and discontinue efforts to stop the unauthorized practice of law.

Perhaps criticism of this sort does no great harm. On the contrary, it may do some good. A little soul-searching by many members of the legal profession is quite in order. Most of us do not pause to analyze our "shortcomings," if any, and discussion like Mr. Hoar's may serve to jolt our calm attitude of self-sufficiency and cause us to think. To that extent criticism is beneficial. However, there is not enough in this, or in other similar attacks upon the Bar as a whole, seriously to impugn the motives of the Bar.

But there is enough sting in what Mr. Hoar says to arouse more than ordinary reader-interest. It demands a careful analysis and a fair answer. Not in a defensive way, but in a rational, impersonal discussion of the things charged against the entire profession. He thinks that because Supreme courts are composed of lawyers the legal profession alone is singled out for a "unique degree of protection in the interest of the dear public;" that it is silly and illogical to combat the corporate practice of law in those fields in which corporations and others render efficient and dependable service, for less money. Manifestly, Mr. Hoar never practiced law in California.

ACTIVITY

He asserts, and truly so, that in the past five years there has been more activity to suppress unlawful practice than in the whole of the preceding century, and that, not satisfied with what he terms cooperation of the courts to stop illegal practice, bar associations are sponsoring movements to integrate the bar and thus give bar organizations full power to regulate the practice of law. Mr. Hoar professes to believe that all this activity is for purely selfish reasons, and that our pretended regard for the public is pure bunk. As one who has been active in bar work for a long time, and who knows many other lawyers similarly engaged in unselfish devotion to the principles of a clean and honorable profession, I take earnest issue with the statements of the writer.

The American Bar Association's "Handbook" on illegal practice, listing a large number of cases in which collection agencies and others were held to have practiced law, comes in for much attention and vigorous criticism by Mr.

Hoar. However, he takes consolation in the fact that two courts "had the courage to hold that operating a collection agency was not practicing law." Why Mr. Hoar is so greatly concerned about the welfare of collection agencies, does not appear. Are we, perhaps, justified in suggesting that his interest may not be entirely "for the benefit of the dear public?"

BARRING PROGRESS

Our critic quotes with hearty approval, a Wisconsin court decision to the effect that it is hardly necessary to integrate the bar, "as the courts help lawyers hold back progress." Progress in what? Is it holding back "progress" to say that corporations and collection agencies may not practice law? Certainly, the lawyers of California have not observed any striking examples of retarding progress by the courts in curbing unlawful practice. But Mr. Hoar does not condemn all courts because they have helped lawyers "hold back progress;" he confesses that some courts, composed of lawyers, "placed public interest above professional interest." But of course those striking examples of upholding "public interest" happened to result in decisions favorable to the unauthorized person practicing law, and against the contentions of the Bar. In other words, any decision against the organized bar is furthering "progress;" conversely, those cases, the factual circumstances of which are not stated by Mr. Hoar, resulting in favor of collection agencies and others, are definitely milestones of "progress." Truly, these be strange times, filled with cockeyed reasoning.

CITES CALIFORNIA CASE

Mr. Hoar cites, among others, the California case of *State Bar v. Security Bank*, details of which he credits to L. A. BAR BULLETIN, and says in manifest glee, this was one time lawyers got a taste of their own medicine. He describes it as a case in which the bank was helping customers to draw simple papers and the State Bar sought an injunction to stop the practice. He does not attempt to analyze the case, or to quote Judge Lester W. Roth's opinion appearing in THE BULLETIN, which he might well have done. The report of the court's decision was printed in THE BULLETIN for April, 1934, and was to the effect that, while the State Bar as an entity might not prosecute the form of action brought, an individual lawyer may do so; also, that the Attorney General may, either by quo warranto or injunction, bring an action for unlawful practice against a bank.

The court did not pass upon the question whether the bank was engaged in the practice of law. But does Mr. Hoar explain these things? Not at all! He cites this case as one in which the court gave the Bar a merited rebuke.

As a matter of fact, Judge Roth found that unlawful practice of the law in California is a misdemeanor; cited cases supporting the contention that practicing law without a license is contrary to public policy and the general welfare; that the mere fact the acts alleged constituted a crime, did not bar relief by injunction, but that the State Bar, being created by the legislature as a self-governing body, to govern its own members, could not as an entity, prosecute by injunction action against the bank.

Let us quote from the court's opinion:

> "If general police power had been delegated to the State Bar to supervise the practice of law in the state, the Court would be prepared to find that the State Bar has the standing of the attorney general, but no such power is delegated. . . . It has been definitely held in a number of decided cases that an individual who is a member of the profession can bring an action and there is some inferential authority

to the effect that an unincorporated bar association may bring it. . . . The plaintiff is not organized to practice law. It cannot practice law. It has no interest whatsoever in the profit of its members. . . . Defendant denies that any lawyer has any property right or pecuniary interest, separate and apart from that of the public, to exclude any one else from the practice of law, and that the right of a lawyer in this behalf is no greater than and no different from the right of any member of the public to exclude the unauthorized practice of law in the public interest and for the public protection.

"The exact point has never been decided in this state. Defendant admits that the right to practice under a license for that purpose is of pecuniary value to each member of the bar. Therefore, it is in the nature of a property right which cannot be taken away, except for cause and after notice and an opportunity for hearing. On the other hand, defendant asserts that the right to exclude unauthorized persons from practicing law is not a private right; it is merely the lawyers' share of the public right which inheres equally in all citizens of the state. That the lawyer in this respect has no other or different right to exclude one from the unauthorized practice of law than has the butcher, the baker nor the candlestick maker.

"This may be the correct technical view. Even though it is, the court is of the opinion that it is a sufficient showing of a special property interest or private interest, separate and apart from the public generally, to form the basis for injunctive relief upon the petition of an individual lawyer. The court believes that the tendency of the decisions is in support of this conclusion."

Surely Mr. Hoar will concede to the bar the same right to protect its "property interest" as the collection agencies, which he champions, are entitled to do. But the practice of the law is no right or property of the collection agency or of any other unlicensed person or corporation.

PREVENTIVE SERVICES OF THE LAWYER

THERE recently has arisen in various parts of the country a movement to make use of advertising facilities to acquaint the public with what might be called the preventive functions of the lawyer. Much of current litigation and legal controversy would have been avoided had an attorney been consulted before a will was made, a declaration of trust or a contract executed, disposition of property where taxes on the transfer are involved, or other action taken having legal implications.

Such a movement cannot be viewed as a selfish one. An attorney ordinarily earns a larger fee after litigation has arisen than would be charged if his advice had been asked when the particular act or enterprise involved was contemplated. Society is benefited more by an agency that maintains harmony in business and social relationships than by one that only restores some degree of order after trouble has arisen. Moreover, society pays too dearly for the maintenance of tribunals to care for litigation which could have been avoided had the guiding hand of a competent attorney been employed when an act or enterprise was first undertaken.

There is danger, of course, in any attempt to portray to the public the preventive services of the lawyer, whether by means of the radio or other medium. Any campaign of education must be sponsored by an organized bar association and not by individual lawyers. Personal publicity for any individual lawyer must be strictly avoided. Nor should such a campaign be one which has a tendency to make every man his own lawyer, for there is much truth in the trite saying that "a little knowledge is a dangerous thing." Perhaps a radio program consisting of the dramatic portrayal, in a dignified manner, of instances where legal consultation would have saved not only time and money but torment and worry is the most effective type of such publicity.

Here is an opportunity not only to aid the public but to drive out the concept sometimes held by the layman that a lawyer is merely a sly vulture waiting for what he may devour. Rather should the public know that the lawyer is a constructive and necessary force in insuring harmony in the working of the complex forces of modern society.

CHARACTER AND THE FUGACIOUS PRACTITIONER

A. G. C. Bierer, Jr., Member of the Oklahoma Bar, Chairman of the National Conference of Bar Examiners

LAWYERS generally have a way of staying put. Most lawyers who attain any substantial measure of success remain in the location where their practice is established and are little inclined to migrate from state to state. Nevertheless, around 600 lawyers a year are admitted to the bar in the various states on comity provisions, based upon their practice in other states whence they remove. There were 634 such admissions on motion in 1932, 678 in 1933, 775 in 1934, 601 in 1935 and 502 in 1936. I do not have the figure for 1937. The distribution of these migrant attorneys has varied quite naturally among jurisdictions, according to density of population and other factors affecting the real or fancied need for lawyers in the states to which these applicants went.

Various reasons have appeared why some lawyers do migrate, some good and some not so good. There is good reason, growing in extent, for the movement from state to state of lawyers engaged in special fields of practice, especially those in legal departments of business concerns active over several states. There are some cases, though few in relation to the whole, of removals for health. There are many entirely worthy cases of removal for the improvement of professional opportunities. The vast majority of such migrations, however, are simply in the hope of finding greener fields afar, and a substantial number are for the purpose of moving away from a bad reputation in places where the migrants have thoroughly discredited themselves and can no longer hope to prosper. The latter cases are those with which the bar is most particularly concerned. It is concerned also with the mere floater who moves from place to place seemingly unable to establish himself anywhere.

The typical rule of court or statutory provision for inquiring into moral character of such applicants expresses a sound and worthy impulse. It does little more. The Oklahoma rule, for example, requires a certificate from a judge and two practitioners. The common experience of bar examining authorities is that it is a sorry individual indeed who cannot procure the certificate of some judge and of two practicing attorneys, in the place whence he removes, to endorse his moral character. Sometimes we suspect that the certificates written certify the willingness of the migrant's own bench and bar to see him go somewhere else rather than his fitness for membership at any bar. Experience further shows that the average lawyer and the average judge will sign such certificates without much care and without adequate inquiry to determine the facts, and even that they will certify favorably in cases where they do not sincerely regard the migrant as a worthy member of the bar, just to be good fellows and avoid the unpleasantness of refusing such certificates.

Probably no bar examining authority believes that much reliance can be placed upon such meager safeguards as the rule provides. Such certificates have

actually been furnished in the past in favor of men who have been disbarred for acts utterly unconscionable and professionally intolerable, and others have been furnished to enable applicants to remove from their established locations as an alternative to their disbarment.

Twenty-two states have ceased to rely upon certificates produced by the applicant or upon such certificates plus information given by the applicant and have adopted the character investigation service for foreign attorney applicants conducted by The National Conference of Bar Examiners. This service was first made available in 1934, being first adopted by California, closely followed by Delaware and several other states and now in use in twenty-two states, including Alabama, Arizona, California, Delaware, Florida, Indiana, Maine, Minnesota, Missouri, Nebraska, New Mexico, New York, Nevada, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Utah, Washington, and West Virginia. Last year the Conference investigated and reported on 214 of these cases. It is now reporting on an average of thirty to forty a month, and facilities for conducting these investigations are being rapidly expanded as the service is more extensively used by the examining authorities of the various states.

The investigations so conducted are vastly more comprehensive and the results more enlightening than any previous method of conducting such inquiries. The Conference first obtains from the applicant, by a searching questionnaire, all the information to be derived from him, contacts the references he gives and then contacts other and independent sources of information at each place where the applicant has practised or resided, as well as agencies likely to have special information, such as Martindale's. If the information so received warrants, the Conference employs special investigators to inquire and report fully into matters which seem to throw doubt upon the applicant's fitness. All the information obtained by the above efforts is confidentially received and confidentially transmitted to the examining authorities of the state where the applicant seeks admission. This confidential treatment produces information otherwise absolutely unattainable. The result in practically every case to date has been that the Conference has laid before the examining authorities a substantially complete picture of the professional history of the applicant, vastly more enlightening and reliable than has been possible by any other or previous method.

Reports of the Conference are in each case submitted without recommendation as to the admission or the rejection of the applicant, strictly for the information of the examining authorities in the state where admission is asked.

The Conference furnishes this service at a uniform price of $25.00 for each investigation, which some states pay out of appropriate funds, usually the fees charged the applicant on filing his application, while other states require the applicant to furnish the report from the Conference, in which case he pays the fee directly to the Conference. In either case the report goes to the examining authorities.

This service has been received with uniform approval and acclaim by the examining authorities in the states which have used it. California especially has been emphatic in its approval of the service rendered and enthusiastic in its use, although California is probably the best equipped and best staffed of any state examining authority in the nation to make inquiries of this character for itself.

A. B. A. ETHICS COMMITTEE DISCUSSES RADIO ADVERTISING

OPINION 179

Advertising.—Canon 27 prohibits the solicitation of professional employment by or in behalf of a particular lawyer through advertising mediums.

Advertising.—Canon 27 does not prohibit the employment of advertising facilities to acquaint the lay public with the expert service the legal profession is able to render, especially in respect to those matters where the securing of competent legal advice and assistance in advance of acting will be calculated to protect the client's rights and interests, insure compliance with essential legal requirements, and avoid future difficulty and litigation; provided it is carried on by an organized Bar Association and not by individual lawyers, so that any semblance of personal solicitation and any impression that it is actuated by a selfish desire to secure greater professional employment is avoided, and it is made clear to the lay public that the primary objective is to give beneficial information to the layman, and to enable lawyers to render a better professional service.

A local Bar Association has requested our opinion on the propriety of its sponsoring a radio broadcast of a sketch wherein is portrayed, in rather dramatic fashion, the unfortunate consequences of the failure of a person to secure competent legal advice and assistance in the drafting and execution of his will.

The broadcast has for its object the informing of the lay public that one desiring to make a will should secure the services of a competent lawyer to aid him in drafting the will and to supervise its execution, in order that his intentions shall be aptly phrased, due consideration given to questions of estate and inheritance taxes and other relevant matters, legal requirements met, and legal prohibitions observed.

The opinion of the committee was stated by Mr. Phillips, Messrs. McCracken, Arant, Houghton, Jones, Brown and Miller concurring.

Canon 27 in part provides:

> "This does not permit solicitation of professional employment by circular, or advertisments, or by personal communications or interviews not warranted by personal relations. It is unprofessional to endeavor to procure professional employment through touters of any kind. Indirect advertisements for professional employment, such as furnishing or inspiring newspaper comments, or procuring his photograph to be published in connection with causes in which the lawyer has been or is engaged or concerning the matter of their conduct, the magnitude of the interest involved, the importance of the lawyer's position, and all other like self-laudation, offend the tradictions and lower the tone of our profession and are reprehensible."

It will be observed that the Canon is directed against the solicitation of professional employment and prohibits advertising therefor. See Opinions 13, 31, 54.

THE INQUIRY

Our inquiry is whether the Canon or the general principles of professional ethics prohibit the employment of advertising facilities to acquaint the layman with the expert service the legal profession is able to render, especially in respect to those matters where the securing of competent legal advice and assistance in advance of acting will be calculated to insure effectuation of the client's intentions and desires, the protection of his rights and interests, the compliance with the essential legal requirements, and the avoidance of future difficulty and perhaps costly litigation. In other words, is it improper to acquaint the lay public with the wisdom and desirability of employing a lawyer to prevent future trouble or controversy, and possibly costly litigation rather than waiting until one is confronted with difficulty, controversy or litigation?

That it would be wise in the vast majority of cases for a person, who contemplates the giving or receiving of a conveyance, the execution of a contract, the execution of a declaration of trust, the drafting and executing of a will, the disposition of property where taxes on the transfer are involved, or taking action with respect to other like matters, to employ a lawyer in advance of acting, must be admitted.

The employment of a lawyer to protect the client's rights, advance his interests, comply with necessary legal requirements, keep within legal inhibitions,

and prevent future controversy and litigation, rather than to employ a lawyer after trouble has ensued, benefits the client rather than the lawyer because the remuneration of the lawyer is generally greater from the latter than the former service. A lawyer receives much less compensation for seeing that a will is properly drafted and executed than from defending a hotly contested will case.

We recognize a distinction between teaching the lay public the importance of securing legal services preventive in character and the solicitation of professional employment by or for a particular lawyer. The former tends to promote the public interest and enhance the public estimation of the profession. The latter is calculated to injure the public and degrade the profession.

PUBLIC INTEREST

The practice of law is affected with a public interest. Society as a whole, as well as the individual client, is interested in the service rendered by the lawyer because it directly affects the maintenance of order and harmony in business and social relations and the due administration of justice. If the public interest is to be best served the profession must merit and have the confidence and respect of the public. One way to obtain that confidence and respect is to render a more useful professional service.

Advertising which is calculated to teach the layman the benefits and advantages of preventive legal services will benefit the lay public and enable the lawyer to render a more desirable and beneficial professional service. It may tend to decrease rather than increase the sum total of remuneration received by lawyers, but because of the trouble, disappointments, controversy, and litigation it will prevent, it will enhance the public esteem of the legal profession and create a better relation between the profession and the general public.

The prevention of controversy and litigation will also improve the social order. It will lessen the instances where the lay public may feel that a person's honest intentions and desires have been frustrated by what the layman chooses to call the technicalities of the law. It will result in the public acquiring a higher regard for the legal profession, the judicial process, and the judicial establishments.

PREVENTIVE SERVICE

In carrying out a project to educate the lay public with respect to the benefits of preventive legal services, certain possible evils should be carefully guarded against.

First, it should be carried on by the organized bar in order that any semblance of personal solicitation will be avoided.

Second, that the purpose is to give the layman beneficial information, to enable lawyers as a whole to render a better professional service, to promote order in society, to prevent controversy and litigation and to enhance the public esteem of the legal profession, the judicial process and the judicial establishments, should be made plain.

Third, it must in fact be motivated by a desire to benefit the lay public and carried out in such a way as to avoid the impression that it is actuated by selfish desire to increase professional employment; and any plan, however well intended, that on trial fails to convince the lay public that the purpose is to benefit the layman and not to promote professional employment should be promptly abandoned.

Fourth, it should be carried on in a manner in keeping with the dignity and traditions of the profession. See Opinion 121.

In his address at Kansas City, on October 1, 1937, President Arthur T. Vanderbilt, in part, said:

> "I emphasize the public at large, for the fundamental proposition on which all Bar Association work is premised is, I take it, that any measure that is not for the best interest of the public is not for the best interest of the Bar, or, to state it affirmatively, those measures which are for the best interest of the public are for the best interest of the Bar. This fundamental proposition, I submit, is not debatable in any bar association. To question it, to seek to put the interest of the Bar above the interest of the public, is to reduce ourselves from the high level of a profession, to the grade of a trade or occupation. More than that, it would be selling our birthright for less than a mess of pottage. It would mean self destruction. Just as the standing of the individual lawyer is dependent on his good reputation, so is the standing of the American Bar Association dependent on its good reputation with the public. And how shall we maintain our good reputation with the public save by putting the public interest foremost?"

It is our conclusion that if the object and purposes of the broadcast are those above indicated and the limitations above stated are observed, no ethical impropriety will result.

OUT-FIDDLING NERO

A LAWYER DISCUSSES THE WOEFUL UNCONCERN OF VOTERS IN REPRESENTATIVE GOVERNMENT

Lee G. Paul, of the Los Angeles Bar

NERO'S preoccupation with his fiddle in the face of impending ruin has served to epitomize the height of indifferent folly for many centuries. It is plain to see, however, that 20th century society requires a more realistic figure than the addled Nero to illustrate that attitude of mind often colorlessly referred to by members of our profession as a "reckless disregard for consequences." In the interest then of realism, it is submitted that nothing will be lost by substituting for the Emperor an average literate citizen over the age of twenty-one, whose complete lack of interest in local politics makes the fiddling proponsities of the old Roman appear comparatively innocent. To those who complain that a great conflagration is lacking to lend lasting color and appeal to such a contemporary figure, one may point out that the most casual observers of the domestic scene report a variety of civic bonfires that should satisfy even a confirmed incendiary.

Presumably, any person who can comply with the suffrage requirements of California is aware that under a representative system of government there can be no assurance of efficient, honest or economical administration, of local, state or national affairs unless there is an intelligent exercise of the voting rights. This platitude may acquire some significance for residents of Los Angeles County, however, if it is recognized that the average voter's apathy toward county and municipal elections renders the entire community vulnerable to incompetency, graft and extravagance in public office.

Whether the affairs of this county and its several municipalities are presently administered by honest and able public servants in the various elective offices, is entirely irrelevant. If such is the case, there is substantial evidence that we owe our good fortune, in a large degree to luck. On the other hand, if there is some basis for the hue and cry frequently raised with respect to the administration of certain elective offices, the blame rests principally with those misguided and politically lethargic citizens who, if they vote at all, appear at the polls once every four years to cast a ballot for a presidential candidate.

As Mr. Frank Kent has recently pointed out in his article "Why Do They Let Us Run It,"* the commonly accepted belief that national elections are more important to the average citizen than local elections, is a serious error in judgment leading more often than not to the development of corrupt political machines within our communities. This misconception also offers organized minorities an opportunity to gain a preference for their candidates and propositions in local elections not available to those who aren't directly engaged in the business of politics.

**Readers Digest,* March 1938.

STRIKING FACTS

According to conservative estimates taken from the last United States census, there were approximately 1,323,000 citizens of the United States over the age of twenty-one who were residents of Los Angeles county on April 10, 1930, and presumably eligible to vote under the laws of California. Of this number 824,886, or approximately 62%, registered for the August 1930 primaries. Only 409,804, or 49% of those registered, however, actually cast a ballot. In other words, the candidates and propositions presented to the voters of this county at the 1930 primaries were voted on by only 30% of those eligible to cast a ballot. When the general elections of the same year were held in November, 853,676, or 64% of the eligibles, had registered, and of this number 78% voted. It may be said, consequently, that the general election of 1930 produced only 37% of the potential vote.

The registration figures and voting percentages for the succeeding years are as follows:

	REGISTRATION		PERCENTAGE OF THOSE REGISTERED WHO VOTED	
	Primary	General	Primary	General
1932	1,134,939	1,242,856	51%	79%
1934	1,301,093	1,305,527	51%	74%
1936	1,335,597	1,396,606	43%	83%

While no accurate statistics are available to show the increase in the number of eligible voters in this county since 1930, it is doubtful if the substantial improvement in registration between 1930 and 1936 can be attributed primarily to an increase in population. Two bitterly contested presidential elections, the Depression, Old Age Pensions and state relief, are probably deserving of most of the credit. By the same token one may question whether the improvement in the vote cast at the general election of 1934 over the vote cast at the same election in 1930, both non-presidential years, can be attributed as much to an awakened interest on the part of the local citizenry in state and country politics as to the hysteria generated by the three-cornered gubernatorial fight between Messrs. Sinclair, Haight and Merriam. Even in that year, however, it will be noted that the percentage vote in the primaries remained relatively the same as in previous years.

An examination of available statistics between 1926 and 1936 reveals that the 51% vote in the primaries of 1932 and 1934 is the highest percentage recorded and that the average for this ten-year period stands at 44%. By comparison, the average vote in the general elections for the same decade amounted to 72%, with an increase to 80% for the three presidential years of 1928, 1932, and 1936.

NEGLECT LOCAL ISSUES

While the above figures give some idea of the attitude of the average registered voter in the County toward local politics, they are not a true criterion

for determining the extent of public indifference both for the reason that, except for 1930, they do not take into account the number of qualified residents who neglect to register, and also because these statistics do not indicate the percentage of voters who, having arrived at the polls, fail to ballot at all on purely local issues and candidates.

No one who has edged through the door of a California voting booth with one of our Gargantuan ballots can properly profess surprise at the large number of voters who completely ignore many of the bewildering propositions submitted. One is slightly startled, however, at the size of the group who go to the polls but neglect to cast a vote for any of the candidates running for the principal elective offices of the County. For example, while 1,164,969 persons or 83% of the registered vote, cast a ballot at the general elections of 1936, 123,640 of those who went to the polls didn't bother to vote for District Attorney, although the campaign for this colorful office was sufficiently noisy and vituperative to awaken even some national interest.

Two years earlier the offices of County Assessor and Sheriff were both filled at the primaries, one on 42% of the registered vote and the other on 43%, although a 51% vote was cast at that election. In 1930 the County Assessor was again elected at the primaries on 42% of the registered vote, although a 49% vote was cast at the elections. The office of Sheriff in that year was filled at the general elections after a bitter campaign on a 47% vote although 58% of those registered cast a ballot at this general election.

In the case of the Superior Court Judges, the following general election statistics may be of interest:

Although 74% of those registered for the general election of 1936 marked a ballot for District Attorney, only 56% on the average voted for the Superior Court Judge candidates. In 1934 74% of those registered voted, and 59% cast a ballot for the County judicial offices. In 1932 there was a 79% vote but again only 59% on the average marked a ballot for any of the candidates for the several Superior Court offices. In 1930 there was a 58% vote at the general elections, and a 49% vote for the County judicial offices.

INTERESTING SPECTACLE

When the above figures are considered in relation to the number of eligible voters in this county who have not registered, it is apparent that most county elective offices are filled, even at the general elections in a Presidential year, on a relatively small percentage of the potential vote. If the primaries are also included, it becomes doubly clear how few residents of this county exercise their suffrage rights in connection with local politics.

For a more accurate picture of the citizenry's attitude toward purely local nonpartisan government, with state and national issues virtually eliminated, the City of Los Angeles presents an interesting spectacle.

A conservative estimate of the figures in the 1930 U. S. census, shows the City of Los Angeles to have had in excess of 800,000 residents on April 10th

of that year who presumably were eligible to vote. When the city primary election was held one year later, 506,198 persons had registered, but of this number only 152,401 or 30% actually cast a vote. It is clear, consequently, that of those eligible to register in 1930 less than 19% took the trouble to register and mark a ballot in the city's primary election of 1931. A few months later in the subsequent municipal general election, 514,385 persons had registered but only 180,956, or 35%, appeared at the polls. The general election consequently produced in the neighborhood of 22% of the potential vote.

The registration figures and voting percentages for the succeeding city elections through 1937 are as follows:

	REGISTRATION		PERCENTAGE OF THOSE REGISTERED WHO VOTED	
	Primary	General	Primary	General
1933	618,760	635,172	54%	54%
1935	596,289	604,710	45%	45%
1937	692,627	696,110	36%	46%

A comparison of this chart with that showing the county vote in county, state and national elections reveals that although the percentage of votes in the respective primaries are not far apart, the county vote in the general elections always shows a substantial increase over that of the primaries, while the percentage vote in the municipal general elections varies little if any from the vote in the primaries.

DISREGARD OF LOCAL AFFAIRS

An examination of available statistics for the period from 1925 to date reveals that the 1933 vote of 54% represents the highest percentage of registered voters to cast a ballot at any city election during this period, and that there has been one 29% vote in the primaries and two 30% votes in the general elections. The average vote in the city primaries over this period has been 39%, and the average vote in the succeeding general elections only 2% higher. These figures standing alone leave no doubt as to the small proportion of the cities' registered voters who are sufficiently interested in municipal affairs to cast a ballot at the elections, but when they are considered in the light of the number of residents who do not even register it is apparent that however articulate organized minorities may be at the polls vox populi hasn't been heard in the same quarter for years.

In connection with registrations, it is interesting to note the following discrepancies between the registration of city residents for county, state and national elections, and the registrations of the same individuals for their own municipal elections:

In 1932, 699,975 residents of the city registered for the general state, county and national elections. One year later, however, only 635,172 persons, or 64,803 less than the 1932 figure, were registered for the general municipal elections. In 1934, 739,200 city residents registered for the general county and state elections, but in 1935 only 604,710 or 134,490 less than the 1934 figure, were registered for the municipal election. In 1936, 793,926 residents of the city were registered for the presidential election, but one year later in 1937 there was a decrease of 97,807 registrations when the registrations for the city general election were counted.

ELECTION LAWS

One explanation for what at first blush seems to be another unpleasant commentary on the attitude of Los Angeles city residents toward the adminis-

tration of their municipal government lies with the state election laws. In 1932, Section 1106 of the Political Code was amended to provide that the registration of all persons failing to vote at either the primary or general elections held in the even numbered years should be promptly stricken from the roster of voters. In compliance with this provision, the Registrar of Voters for the County removed the names of 130,256 residents of the City of Los Angeles from the roster of voters following the general election of 1932. In 1934, the registrations of 180,184 Los Angeles city residents were cancelled for failure to vote at either the primary or general election for that year, and in 1936, the registrations of 123,016 electors residing in the City of Los Angeles were stricken from the voting rolls.

While the discrepancies noted above between the registrations of Los Angeles city residents for county, state, and national elections and the registrations for their own municipal elections must be viewed in the light of the cancellation law, nevertheless, it is significant that the total registration for the municipal elections never closely approaches the registrations of city residents for the preceding years' county, state and national elections. This phenomenon continues, too, in spite of the fact that all those whose registrations are cancelled for failure to vote receive prompt written notification from the Registrar of Voters.

No useful purpose would be served in presenting figures on the Los Angeles Municipal elections to show that those who go to the City polls have the same reluctance to cast a complete ballot as the voters at the County elections. What was true of the District Attorney and the Assessor in the County elections is all the more true of the City Attorney and the City Comptroller in the Municipal elections. Furthermore, the County voters' lack of interest in the Superior Court offices is more than matched by the unconcern of Los Angeles City residents about the selection of their Municipal Court Judges. The difference resulting from each comparison is only in degree but as one's examination of voting statistics progresses down the line from National to Municipal elections, it becomes increasingly apparent that interest in representative government among the great majority of local residents improves only with the distance candidates and issues are removed from the field of which the voter has some personal knowledge and understanding. It is clear also that even in the cases where civic duty or indignation is sufficiently developed or aroused to cause local residents to cast a ballot on local candidates and issues the importance of voting in the primaries is entirely lost on many of those who go to the polls.

Members of the bar are consulted more often on political questions than perhaps any other group. In the face of this fact there is no doubt but that the lawyers of Los Angeles County can render a real contribution to civic betterment by impressing friends and acquaintances with the necessity for familiarizing themselves with issues and candidates in local politics and casting a ballot regularly at the polls in both primary and general elections.

(The writer wishes to acknowledge his indebtedness to Mr. W. M. Kerr, Registrar of Voters for Los Angeles County, and to Mr. D. A. Torgersen, Asst. Superintendent of City Elections, for their cooperation and assistance.)

Is this funny? Or isn't it?—"The jury was warranted in assuming, as it evidently did, that the defendant was better qualified to tell the truth before she talked with an attorney than she was afterward." (People v. Wright, C. A. D. 167, 170, 3d App. District.)

PLEBISCITE CAMPAIGNING BY CANDIDATES

RESOLUTION OF LOS ANGELES BAR ASSOCIATION BOARD OF TRUSTEES

RESOLVED, it is the sense of the Board of Trustees of Los Angeles Bar Association that it is contrary to the spirit, purpose and intent of the plebiscite for any candidate to campaign for himself or herself, or for any member or members of the profession to campaign or join in a campaign for the support of any candidate, by petition, circulars, letters, postals, telephone, or otherwise to endeavor to influence the vote in the plebiscite, and that immediately prior to the taking of each plebiscite the attention of each candidate shall be respectfully invited to this resolution, and

BE IT FURTHER RESOLVED, that any violation of the spirit or purpose of the foregoing resolution shall be deemed a breach of ethics by the offender.

This is to certify that the above is a true and correct copy of resolution adopted by the Board of Trustees of Los Angeles Bar Association in regular session assembled on Wednesday, October 20, 1937.

J. L. ELKINS,
Executive Secretary,
Los Angeles Bar Association.

NEW MEMBERS OF THE LOS ANGELES BAR ASSOCIATION

Bowles, Elwood
Brennan, W. C.
Brooks, John W.

Dewart, Frederick W.
Dibble, John Rex
Downing Judd

Garten, Vern E.

Harris, Lilly Notz

Kibbe, Charles G., Jr.

Lindsay, William Kenneth

McCabe, Hilton H.
Miller, Kenneth C.

Paonessa, Hon. Alfred E.

Quirk, Akeley Park

Robinson, John Moore

Schmidt, Frank H.
Scott, Hon. A. A.
Shirley, Monta W.
Sprague, Richard W.
Stutsman, Carl A., Jr.

Taraday, Lloyd

Watts, David G.
Wheeler, John S.
Williams, Dana Roberts
Winnett, Earle L.

THE BAR AND BUSINESS

Help! Chicago has 1100 lawyers whose annual net income is less than $500. Such is the opinion of the secretary of the Chicago chapter of the National Lawyers' Guild. A resolution urging the executive board of the Guild to look into the possibility of getting WPA projects for needy lawyers, was adopted by the Chicago branch.

Administrative Agencies: New Jersey proposes to create a special independent court with jurisdiction to review acts of all administrative agencies exercising state-wide authority. This is the first definite proposal of the kind offered anywhere. New Jersey Judicial Council has put the matter before the Governor.

Legal Secretaries Rewarded: By the will of Fred A. Kinzel, of Mattoon, Ill., bequests of $1000 were provided for each of two former stenographers in the testator's office, and $100 each to 19 stenographers certified by the other lawyers of the city.

Lawyers and Business: A conference was held in Washington recently between committees representing the A. B. A. and the American Mutual Alliance, seeking to effect a working understanding of what does and does not constitute the illegal practice of law by business men. The conference resulted from legal attacks against business men by lawyer groups, chief of which was the Missouri case, in which the Circuit Court at Columbia, Mo., dismissed the declaratory judgment suit of six mutual insurance companies and issued an injunction restraining the companies and their non-lawyer employees from performing six varieties of acts in which legal knowledge and the employment of legal judgment are involved.

BAR PUBLIC RELATIONS ACTIVITIES

Dane County Lawyers' Guild are sponsoring a series of broadcasts at Madison, Wis., to inform the public of the true functions of lawyers, and to discuss new laws, national and state.

* * *

To create a better relationship and understanding between the bench, bar and the public, and to give reliable and interesting information to the public, the Missouri Bar Association has instituted a series of twenty broadcasts.

* * *

Butler County (Ohio) Bar Association has organized a public relations committee to aid in acquainting the public more fully with the legal profession. It is planned to assign various lawyers as speakers at banquets and similar functions to explain court procedure.

* * *

St. Petersburg, Fla., Bar Association recently published a series of advertisements in local newspapers, after a detailed study of the problem. Chairman Harrison, of the Public Relations Committee, stated that the bar association reached the conclusion that while old traditions and precedents "are very proper as far as individual lawyers are concerned, it is perhaps the civic duty of a bar association to advertise collectively for the protection of the legal profession."

* * *

Buffalo Bar Association has completed a series of radio "skits" designed to represent the functions of the legal profession in its relation to the public.

BAR GOLF

The monthly Golf Tournament, held June 3, at Brentwood Country Club, with the Spring Frolic of the Junior Barristers was participated in by fifty players.

Low Gross Prize was again won by Cliff Argue; H. A. Decker second, and Paul Angelillo, third. Balls were also given Floyd Sisk, Hiram E. Casey and Robert Powell for low gross cards.

The monthly leg on the President's Annual Cup was won by James Ingebretson, low net, followed by Courtney Teel, Charles Peckham, Walter Keen, O. N. Normandin, and Malcolm Harris.

Special Guest Prize was won by Izzie Moore of the Los Angeles News.

Next regular tournament will be held at Griffith Park, Friday, July 15.

ULLETIN

casts at
and to

nch, bar
public,
sts.

relations
ofession.
similar

of ad-
Chair-
sociation
y proper
ty of a
fession."

designed
blic.

ry Club,
by fifty

ond, and
asey and

y James
er Keen,

ews.
July 15.